

TEACHERS' RETIREMENT BOARD
BENEFITS AND SERVICES COMMITTEE

SUBJECT: CONSENT AGENDA

ITEM NUMBER: 4

ATTACHMENT(S): 3

ACTION: X

DATE OF MEETING: June 7, 2001

INFORMATION:

PRESENTER(S): Lynda Bridges/
Gail Chun-Deduonni

NAME: HAROLD L. HOUSER

HEARING DATE: JANUARY 5 AND 23, 2001

PROPOSED DECISION: Administrative Law Judge M. Amanda Behe concluded by reason of the facts presented that Harold L. Houser's request to change his retirement date be denied. There is no provision in law that requires CalSTRS to notify members of speculative matters, such as possible or potential changes to law which the two houses of the Legislature or the Governor might make. Additionally, CalSTRS could not have predicted the outcome of any pending bill which might be enacted after respondent retired in June 1998 to enhance retirement benefits of members who retired on or after January 1, 1999. There is no provision in law that allows respondent to change his retirement date to take advantage of enhanced benefits effective January 1, 1999. Staff recommends that the Board adopt the proposed decision as it adequately reflects the issues and evidence presented at the hearing and the determination of the issue is adequately supported within the body of the decision.

NAME: PATRICK CALLAHAN

HEARING DATE: MARCH 22, 2001

PROPOSED DECISION: Administrative Law Judge M. Amanda Behe concluded by reason of the facts presented that Patrick J. Callahan's request to reverse the rejection of his application for disability retirement by CalSTRS be denied. The proposed decision upholds CalSTRS' rejection of the member's application for disability retirement benefits based on failure to meet the five-year service credit eligibility requirement of Education Code 24101(a). Based on the fact that the member received multiple refunds of contributions and interest the ALJ found that the respondent, at time of application, did not have sufficient service credit to meet aforementioned eligibility requirement. Furthermore the ALJ concluded that CalSTRS had informed the member of this requirement and that there is no provision in the law, which would allow the member to apply for disability retirement without redepositing his previously refunded contributions. Staff recommends that the Board adopt the proposed decision to reject the member's application for disability retirement.

PROPOSED

**RESOLUTION
OF THE
TEACHERS' RETIREMENT BOARD
BENEFITS AND SERVICES COMMITTEE**

Subject: Consent Agenda
Consideration of Proposed Decisions

Resolution No. _____

WHEREAS, the Benefits and Services Committee has been delegated the authority by the Board to act finally on the following proposed decisions, and

Whereas the Committee has reviewed the following proposed decisions: Harold L. Houser, Request to Modify Retirement Date, Denied, and Patrick J. Callahan, Request for Disability, Denied, and

WHEREAS, the Committee finds this in conformance with the guidelines adopted by the Board; Therefore be it

RESOLVED, That the proposed decisions listed above are adopted.

Adopted by:
Benefits and Services Committee

On _____

JAMES D. MOSMAN
Chief Executive Officer